

CLEAN WATER ACT2-51. Class I Administrative Penalty Actions

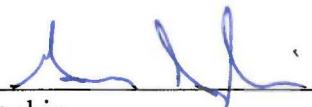
1. **AUTHORITY.** Pursuant to the Clean Water Act, the authority to:
 - a. Act as the complainant in a Class I administrative penalty action under the CWA.
 - b. Conduct proceedings, recommend the form of final Agency action, issue subpoenas and perform all the presiding officer functions set forth in applicable Agency guidance or regulations governing the administration of Class I administrative penalty actions under the CWA.
 - c. Represent the complainant before a presiding officer in a Class I administrative penalty action under the CWA.
 - d. Issue an order on consent between the Agency and a respondent resulting from the initiation of a Class I administrative penalty action under the CWA.
 - e. Act as deciding official in a contested or default Class I administrative penalty action under the CWA, and to assess a penalty in such a proceeding.
2. **TO WHOM DELEGATED.**
 - a. The authorities in 1.a. and 1.d. are delegated to the director, Enforcement and Compliance Assurance Division.
 - b. The authority in 1.c. is delegated to the regional counsel.
 - c. The authorities in 1.b. and 1.e. are delegated to the regional judicial officer, Office of Regional Counsel.
3. **LIMITATIONS.**
 - a. The regional judicial officer, Office of Regional Counsel, shall provide the Environmental Appeals Board with a timely copy of the decision in a contested or defaulted action.
 - b. Any official exercising this authority shall obtain the prior concurrence of the RC or designee on the legal sufficiency of complaints and consent agreements.
4. **REDELEGATION AUTHORITY.**
 - a. The authorities in 1.a. and 1.d. may be redelegated to the section chief level or equivalent.
 - b. The authority in 1.c. may be redelegated to any agency attorney.
 - c. The authorities in 1.b. and 1.e. may not be further redelegated.
 - d. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

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5. **ADDITIONAL REFERENCES.**

- a. Section 309 of the Clean Water Act, 33 U.C.S. § 1319.
- b. Section 311 of the Clean Water Act, 33 U.S.C. § 1321.
- c. Agency guidance and regulations governing Class I administrative penalty actions under the Clean Water Act.



Gregory Sopkin
Regional Administrator



Date